

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

EBBY DEWAYNE WADE	§	
VS.	§	CIVIL ACTION NO. 9:25-cv-106
MICHAEL BRITT	§	

MEMORANDUM OPINION AND ORDER

Plaintiff Ebby DeWayne Wade, an inmate confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (“TDCJ-CID”), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Michael Britt, the Region I Director for TDCJ-CID, Bryan Collier, the Executive Director of the Texas Department of Criminal Justice, Charles H. Landis, the Warden of the Byrd Unit, Julia M. Smith, the Assistant Warden of the Byrd Unit, and Austin Munoz, a law librarian at the Byrd Unit.

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, pursuant to which this case is brought, does not contain a specific provision governing venue. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. When, as in this case, subject-matter jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue over the lawsuit is proper only in the judicial district where the defendants reside or in which the claims arose. Tile 28 U.S.C. § 1406(a) provides that a case filed in the wrong district may be transferred to any district where it could have been brought.

Plaintiff’s claims concern events that occurred at the Byrd Unit, where he was formerly incarcerated. The Byrd Unit is in Walker County, Texas. Pursuant to 28 U.S.C. § 124, Walker County is located in the Houston Division of the Southern District of Texas. Plaintiff’s claims therefore arose in Walker County. Further, it appears Defendants reside in Walker County.

As Plaintiff's claims did not arise in the Eastern District of Texas and Defendants do not reside in the Eastern District, venue is not proper in this court. This case will therefore be transferred to the Houston Division of the Southern District of Texas.

ORDER

For the reasons set forth above, it is **ORDERED** that this civil rights action is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this the 8th day of May, 2025.

A handwritten signature in black ink, appearing to read 'C. Stetson', written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE